IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.5165 OF 2005**

Bombay Social Service & Ors. ... Petitioners

V/s.

Ahmed Haji Mohamed Terai ... Respondent

Mr.Bharat Joshi for Petitioners
Mr.O.M. Ashfaq with M.Y. Sayani for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 16, 2005**

**P.C.:**

. The Petition challenges the orders of the trial Court as well as the appellate Court refusing to record the compromise which the Petitioners claim has been arrived at between them and the respondent. The trial Court framed the issue in the suit filed in 1991 which is a declaratory suit. The so called consent terms have been arrived at between the parties in 1990. They were brought on record for the first time in 1999. Accordingly, an issue was framed by the trial Court as to whether the plaintiffs, who are the Petitioners herein, had proved that the suit had been settled and/or compromised on the basis of the agreement dated 26.5.1990. The trial Court has found as a matter of fact that the suit has not been settled. The very fact

that the petitioner did not care to disclose this document for over 9 years indicates that the respondent is probably right in contending that these were the terms which have been broadly agreed to by the parties on which basis a compromise would be arrived at.

2. Furthermore, it appears that the suit is ripe for hearing. In such a case, I do not see any reason to interfere with the impugned order. Petition rejected.